



Regulations Update

September 1997

Draft Text of Regulations under Internal Development, Not Yet Released for Public Comment

Biomass Reporting

Disposal reporting revisions and requirements for biomass reporting.

Initial draft text of revisions under development by staff. Draft text of regulations should be ready for informal public review and comment in the Fall/Winter of 1997.

Contact: Mitchell Weiss (916) 255-2382

Diversion Reporting/ Material Handlers

Proposed addition of diversion reporting requirements for material handlers.

Rewrite of draft text under development and internal review by staff. Draft text of regulations should be ready for informal public review and comment in the Fall/Winter of 1997.

Contact: Chris Schmidle (916) 255-2889

Orphan Site Cleanup

Solid waste disposal and co-disposal site cleanup program revisions.

Proposed new regulations would cover administration of IWMB-conducted cleanups, and grants and loans to local agencies. A revised draft text of regulations is being prepared to incorporate internal comments. Informal public review is anticipated to begin in October 1997, with formal notice likely in November 1997.

Contact: Marge Rouch (916) 255-2347

LEA Grants

New regulations for local enforcement agency (LEA) grants program.

Staff and LEAs reviewed draft text of proposed regulations. On September 16, 1997, staff will request approval of the Permitting and Enforcement Committee to submit formal Notice to OAL.

Contact: Mark Arico (916) 255-2402

MRFs and Transfer Stations

Placement of material recovery facilities (MRFs) and transfer stations that handle mixed solid waste, and recyclers into regulatory tiers and development of minimum standards.

Draft regulations were sent out to interested parties for informal review on April 18, 1997. Public workshops were held on June 19, 1997 in Redding, on July 8 in Diamond Bar, and on July 22 in Sacramento. Staff is preparing an agenda item for the September 1997 Permitting and Enforcement Committee meeting to provide a status report and to seek direction on the next draft.

Contact: Allison Reynolds (916) 255-4561

C & D Materials Placement of facilities and operations handling construction and demolition materials into regulatory tiers, and development of minimum standards.

Work on these regulations commenced in July, and will begin with informal workshops related to the IWMB's authority and general methodology for "slotting." Draft text of regulations will be circulated for informal external review in late 1997, with the formal rulemaking process anticipated to begin in Spring 1998.

Contact: Marcia Kiese (916) 255-3880

Hearing Panel Appeals Procedural rules for IWMB review of appeals from decisions of Local Hearing Panels.

Initial draft of text of regulations under development by staff. Draft text of regulations should be ready for informal public review and comment in the Fall of 1997.

Contact: Elliot Block (916) 255-2821

Draft Text of Regulations under Informal Public Review

Financial Assurances New financial assurance mechanisms for local government operators of solid waste landfills: Local Government Financial Test and Guarantee.

This rulemaking is based on new Federal regulations issued in 1996 (40 CFR Part 258.74). Staff received concurrence from the Permitting and Enforcement Committee on June 17, 1997 to proceed with the rulemaking. An informational bulletin and draft regulations for landfill were distributed to landfill operators, LEAs and interested parties during July 1997. Informal workshops were held during July. Staff is drafting the Notice and ISOR. Formal Notice will likely be filed in October.

Contact: Nancy Jestreby (916) 255-4009

Oil Recycling Major revisions to California Oil Recycling Enhancement Act regulations.

Draft of proposed amendments are under informal public review and material was posted onto the internet in early August 1997.

Contact: Bridget Brown (916) 255-2328

Planning Definitions Revisions to existing regulations regarding definitions related to solid waste planning documents and diversion goal measurement.

Informal workshops on proposed text held with local jurisdictions and interested parties in December 1996. Staff is drafting the Notice and ISOR. Formal Notice is anticipated by November 1997.

Contact: Elsie Brenneman (916) 255-2898

Solid Waste Generation Studies Revisions to existing regulations regarding methods for solid waste generation studies.

Informal workshops on proposed text held with local jurisdictions and landfill operators in December 1996. Staff is drafting the Notice and ISOR. Formal Notice is anticipated by November 1997.

Contact: John Sitts (916) 255-2380

**Material
Types**

Revision of regulations regarding local jurisdiction requirements related to material classifications for use in solid waste characterization and quantification.

Developed in cooperation with the Board's Disposal Characterization Method Working Group. Informal workshops on proposed text held with local jurisdictions and interested parties in December 1996. Staff is drafting the Notice and Initial Statement of Reasons (ISOR). Formal Notice is anticipated by November 1997.

Contact: Natalie Marcanio (916) 255-2895

**Disposal
Character-
ization
Studies**

New regulations establishing a method for solid waste disposal characterization studies for use by local jurisdictions.

Regulations needed to implement provisions of Public Resources Code section 41770 added by Stats. 1992, c. 1292 (AB 2494, Sher). Developed in cooperation with the IWMB's Disposal Characterization Method Working Group. Informal workshops on proposed text held with local jurisdictions and interested parties in December 1996. Staff is drafting the Notice and ISOR. Formal Notice is anticipated by November 1997.

Contact: Nancy Carr (916) 255-2652

Regulations Adopted by Board, Pending Submittal to OAL**ADC**

New regulations prescribing conditions for use of alternate daily cover (ADC).

This rulemaking is based on Stats. 1996, c. 978 (AB 1647, Bustamante), which requires the IWMB to adopt regulations by end of 1997. The Board adopted the regulations at its July 23, 1997 meeting. Staff is preparing the rulemaking file for submittal to OAL.

Contact: Scott Walker (916) 255-1198

**Chippers and
Grinders**

Revisions to composting operations regulatory requirements to address public health and safety issues related to storage, chipping and grinding, and vermicomposting activities.

Emergency regulations took effect on April 7, 1997 and are effective through December 2, 1997. The Board adopted the permanent regulations at their August 27, 1997 meeting. Staff is preparing the rulemaking file for submittal to OAL.

Contact: Brian Larimore (916) 255-3845

Regulations Pending Approval at OAL**RMDZ
Loans**

Recycling Market Development Zone Revolving Loan Program revisions.

Proposed regulations were adopted at the May 28, 1997 IWMB and filed with OAL on August 1, 1997. OAL's 30-day review period extends until September 15, 1997. With the agreement of OAL, a portion of the regulations will be withdrawn, revised, and held open for an additional 15-day comment period.

Contact: Calvin Young (916) 255-2476

Ash Placement of facilities handling nonhazardous ash into regulatory tiers and development of minimum standards.

Proposed regulations were adopted at the May 28, 1997 IWMB meeting in Sacramento. Board staff submitted the final rulemaking file to OAL on August 14, 1997, with a request for a September 26, 1997 effective date.

Contact: Allison Reynolds (916) 255-4561

Regulations Approved by OAL

Trash Bags Recycled content plastic trash bags: evidence and criteria for variances.

These regulations were adopted at the January 22, 1997 meeting of the IWMB and filed with OAL on April 4, 1997. The regulations were approved by OAL and filed with the Secretary of State on May 15, 1997.

Contact: Jerry Hart (916) 255-4454

**RPPCs/
Floral
Industry** Adding a new compliance option and reporting criteria in the rigid plastic packaging container program regulations for certain plastic containers used by the floral industry.

Rulemaking resulting from Stats. 1996, c. 511 (AB 2508, House). IWMB adopted regulations December 18, 1996. The final rulemaking record was filed with OAL on April 17, 1997. The regulations were approved by OAL and filed with the Secretary of State on May 30, 1997.

Contact: Jan Howard (916) 255-2410

**Financial
Assurances
Enforcement** Financial assurances enforcement procedures for solid waste landfill financial violations.

Regulations adopted at IWMB meeting January 22, 1997. The final rulemaking record was submitted to OAL on April 21, 1997. The regulations were approved by OAL and filed with the Secretary of State on June 3, 1997, and became effective on July 7, 1997.

Contact: Diana Vaughn-Thomas (916) 255-4045

**AB 1220
Regulatory
Reform** Consolidated IWMB and SWRCB requirements governing solid waste disposal facilities including rules on State minimum standards, permits, closure-postclosure, and financial assurance procedures.

Adopted at combined SWRCB/IWMB meeting on January 23, 1997. The final rulemaking records were filed with OAL on May 6, 1997. OAL approved the regulations and filed them with the Secretary of State on June 18, 1997. The regulations became effective on July 18, 1997.

Contact: Sharon Anderson (916) 255-2379

Regulations in the Concept Stage

Enforcement and Compliance Procedures Revisions to solid waste facility enforcement and compliance requirements and procedures carried out by the IWMB and Local Enforcement Agencies. This rulemaking will reflect changes in the Public Resources Code brought about with the enactment of Stats. 1995, c. 952 (AB 59, Sher). Informal preliminary work and drafting of text is expected to start in Summer of 1997 with the formal rulemaking process to start in the Fall of 1997.

Organics Placement of solid waste facilities and operations that handle organics (green material-not composted, woody material-not composted) into regulatory tiers and development of minimum standards. The effort to place these facilities and operations into the regulatory tiers structure began in May 1997, with informal scoping sessions. Draft text of regulations will be circulated for informal external review in late 1997, with the formal rulemaking process anticipated to begin in Spring 1998.

Biosolids Placement of solid waste facilities and operations that handle biosolids into regulatory tiers and development of minimum standards. In order to advance the schedules for the C & D and organics regulations (above), this rulemaking effort will be delayed until Fall 1997. Informal public review will likely begin in Spring 1998, with the formal rulemaking process anticipated to begin in late 1998.

Tire Monofills New regulations with minimum standards and permit requirements for waste tire monofills. Work on this project will begin in the Fall of 1997, with formal notice anticipated sometime in the Spring of 1998.

Waste Tire Facility Permitting Revised permitting regulations for waste tire facilities with particular attention on exclusions from the requirement to obtain a permit. Work on this project will begin in the Fall of 1997, with formal notice anticipated sometime in the Spring of 1998.

Landfills Several rulemaking projects are planned to update landfill regulations not included in the recent AB 1220 rulemaking effort. Staff anticipates beginning work on these projects sometime in mid-1998.

- ✓ Landfill gas standards
- ✓ Subsurface fire control standards
- ✓ Closure plans and standards
- ✓ CQA/CQC for public health and safety protection
- ✓ Slope stability for daily and intermediate cover

**LEA
Certification**

New regulations prescribing procedures for considering decertification of LEAs.

PRC 43215 (as amended by AB 1220) requires the Board to adopt regulations identifying the process/procedures the Board would follow if and when it considers decertifying an LEA. Staff anticipate beginning the informal process in the Fall of 1997.

**LEA
Designation**

Revisions to LEA designation regulations to establish procedures local jurisdictions must follow when changing their LEA designation.

This project would formalize procedures necessary for changing a LEA designation to ensure consistent enforcement of solid waste regulations. Staff anticipates beginning the informal process in the Fall of 1997.